

REMARKS/ARGUMENTS

As indicated above, the undersigned received a telephone call from Examiner Stinson on September 10, 2008 indicating that, although the amendment/response filed on July 1, 2008 in the above-identified application addresses all of the requirements of the *Ex parte Quayle* set forth in the first Office Action, it is now the U.S. Patent Office's position that some of the claims in the present application are potentially conflicting with those in U.S. Patent No. 7,146,992 such that a Terminal Disclaimer would be needed to avoid an obviousness-type double patenting rejection. As clearly set forth in this application, the present invention represents a continuation-in-part of the invention set forth in the '992 patent and the claims of the present application are directed to that CIP subject matter. Correspondingly, the claims in the '992 patent cannot support this subject matter. For at least this reason, the Applicant would respectfully traverse any obviousness-type double patenting rejection. However, as the resulting patent would already expire the same date as the '992 patent and are co-owned, attached hereto is a Terminal Disclaimer for entry into this application in order to simplify the overall prosecution. Based on the submission of this Terminal Disclaimer, it is respectfully submitted that the entire application should now be in clear condition for allowance such that allowance of all the claims and passage of the application to issue are respectfully requested. If the Examiner should have any additional questions or concerns regarding this matter, he is cordially invited to contact the undersigned at the number provided below in order to further expedite the prosecution.

Respectfully submitted,



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